

**5434. Misbranding of Temperine. U. S. \* \* \* v. 240 Cases \* \* \* of a Food Product. Default decree of condemnation, forfeiture, and destruction. Containers ordered sold. (F. & D. No. 8021. I. S. No. 12253-m. S. No. C-637.)**

On January 26, 1917, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 240 cases, each containing 4 dozen bottles of a food product, consigned by A. M. Laevison & Co., Paducah, Ky., remaining unsold in the original unbroken packages at Harrisburg, Ill., alleging that the article had been shipped on or about January 24, 1917, and transported from the State of Kentucky into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "\* \* \* The Great Temperance Drink Contains less than  $\frac{1}{2}$  of 1% of alcohol Laevison's Original Temperine nonintoxicating \* \* \* A. M. Leavison & Co. Paducah, Ky."

Misbranding of the article was alleged in the libel for the reason that the statements on the label were false and misleading; and for the further reason that part of the bottles containing the article did not bear any statement of the quantity of the contents thereof. It was further alleged that the article consisted in part of alcohol in amounts ranging from 0.30 to 4.55 per cent.

On March 27, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the containers should be sold at public auction.

CARL VROOMAN, *Acting Secretary of Agriculture.*